

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE FIRSTENERGY CORP. SECURITIES
LITIGATION,

This document relates to:

ALL ACTIONS.

Case No. 2:20-cv-03785-ALM-KAJ

Chief Judge Algenon L. Marbley

Magistrate Judge Kimberly A. Jolson

JOINT DISCOVERY STATUS REPORT

[Redacted]

I. Confidentiality Designations Under Stipulated Protective Order and Conduct During Depositions

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II. Additional Outstanding Discovery Disputes

For the Special Master's convenience, the Parties note that, in addition to the issues raised in Part I above, the following issues have been raised in Joint Status Reports or by motion and remain unresolved:¹⁸

Docket Number(s)	Movant(s)	Respondent(s)	Title or Description
ECF Nos. 489, 510, 511, 529, 530	Class Plaintiffs, Direct Action Plaintiffs, Defendant Charles Jones, Defendant Michael Dowling	Defendant FirstEnergy Corp.	Motion to Compel Discovery Regarding FirstEnergy's Internal Investigation
ECF Nos. 491, 506, 515	Class Plaintiffs, Direct Action Plaintiffs	Non-Party Energy Harbor	Motion to Compel Discovery from Nonparty Energy Harbor
ECF Nos. 496, 514, 516, 521, 523, 526	Class Plaintiffs, Direct Action Plaintiffs	Non-Party Samuel Randazzo, Non-Party Sustainability Funding Alliance of Ohio, Inc.	Motion to Compel Discovery from Nonparties Samuel Randazzo and Sustainability Funding Alliance of Ohio, Inc.

¹⁸ Because the issues addressed in Part I above concern a dispute over a confidentiality designation, the parties have not provided any third parties with a copy of this submission, and to the extent that the Special Master wishes to discuss the issues involving PFP, Energy Harbor, and/or Mr. Randazzo and SFAO, the parties respectfully request doing so at the next Status Conference rather than the one scheduled for September 28, 2023.

Docket Number(s)	Movant(s)	Respondent(s)	Title or Description
ECF Nos. 535	Class Plaintiffs, Direct Action Plaintiffs, Defendant Michael Dowling	Non-Party Partners for Progress, Non-Party Michael VanBuren	Dispute regarding 30(b)(6) witness' planned invocation of Fifth Amendment ¹⁹
ECF No. 535	Class Plaintiffs	Defendant FirstEnergy Corp.	Dispute regarding August 15, 2023 clawback
ECF No. 544	Class Plaintiffs, Direct Action Plaintiffs	Defendant FirstEnergy Corp.	Dispute regarding sufficiency of FirstEnergy Corp. productions As discussed during the September 21, 2023 conference, the relevant parties continue to meet and confer to determine whether the few remaining issues may be resolved without the need for court intervention.

III. Joint Proposed Amended Scheduling Order

The parties jointly propose the following Amended Scheduling Order, to be memorialized in a joint proposed order if approved by the Special Master. FirstEnergy respectfully reserves the right to seek an extension of this schedule in the event that a final order in the pending Motion to Compel Discovery Regarding FirstEnergy's Internal Investigation (*see* Part II, *supra*) results in an order compelling substantial additional document production from FirstEnergy and additional deposition testimony that cannot practicably be completed prior to the fact discovery cutoff:

Fact discovery cutoff	April 30, 2024
Primary expert reports	May 31, 2024
Rebuttal expert reports	July 31, 2024
Reply expert reports	September 16, 2024

¹⁹ The relevant parties to this dispute are continuing to meet-and-confer in a further effort to resolve any outstanding issues absent court intervention.

Expert Discovery cutoff	October 31, 2024
Dispositive Motions	December 13, 2024

IV. Background Materials and Service List

The parties are separately emailing a set of selected key materials concerning the procedures that have been applicable to this action for the Special Master's convenience. A service list for all parties is also appended hereto.

Dated: September 27, 2023

Respectfully submitted,

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*Irving Supplemental Benefit Plan, and
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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will notify all counsel of record.

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**APPENDIX A: ALL PARTIES SERVICE LIST FOR
SPECIAL MASTER SHAWN K. JUDGE**

***In re FirstEnergy Corp. Securities Litig.*, No. 2:20-cv-3785 (S.D. Ohio)
Brighthouse Funds Trust II, et al. v. FirstEnergy Corp., et al., No. 2:22-cv-00865 (S.D. Ohio)
MFS Series Trust I, et al. v. FirstEnergy Corp., et al., No. 2:21-cv-05839 (S.D. Ohio)**

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